



Sen. Mike Jacobs

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09800HB3035sam003

LRB098 08955 JDS 45827 a

1 AMENDMENT TO HOUSE BILL 3035

2 AMENDMENT NO. _____. Amend House Bill 3035, AS AMENDED,
3 with reference to page and line numbers of Senate Amendment No.
4 2, as follows:

5 on page 5, in line 3, immediately after "Sections", by
6 inserting "5,"; and

7 on page 5, immediately below line 3, by inserting the
8 following:

9 "(20 ILCS 3305/5) (from Ch. 127, par. 1055)

10 Sec. 5. Illinois Emergency Management Agency.

11 (a) There is created within the executive branch of the
12 State Government an Illinois Emergency Management Agency and a
13 Director of the Illinois Emergency Management Agency, herein
14 called the "Director" who shall be the head thereof. The
15 Director shall be appointed by the Governor, with the advice

1 and consent of the Senate, and shall serve for a term of 2
2 years beginning on the third Monday in January of the
3 odd-numbered year, and until a successor is appointed and has
4 qualified; except that the term of the first Director appointed
5 under this Act shall expire on the third Monday in January,
6 1989. The Director shall not hold any other remunerative public
7 office. The Director shall receive an annual salary as set by
8 the Compensation Review Board.

9 (b) The Illinois Emergency Management Agency shall obtain,
10 under the provisions of the Personnel Code, technical,
11 clerical, stenographic and other administrative personnel, and
12 may make expenditures within the appropriation therefor as may
13 be necessary to carry out the purpose of this Act. The agency
14 created by this Act is intended to be a successor to the agency
15 created under the Illinois Emergency Services and Disaster
16 Agency Act of 1975 and the personnel, equipment, records, and
17 appropriations of that agency are transferred to the successor
18 agency as of the effective date of this Act.

19 (c) The Director, subject to the direction and control of
20 the Governor, shall be the executive head of the Illinois
21 Emergency Management Agency and the State Emergency Response
22 Commission and shall be responsible under the direction of the
23 Governor, for carrying out the program for emergency management
24 of this State. The Director shall also maintain liaison and
25 cooperate with the emergency management organizations of this
26 State and other states and of the federal government.

1 (d) The Illinois Emergency Management Agency shall take an
2 integral part in the development and revision of political
3 subdivision emergency operations plans prepared under
4 paragraph (f) of Section 10. To this end it shall employ or
5 otherwise secure the services of professional and technical
6 personnel capable of providing expert assistance to the
7 emergency services and disaster agencies. These personnel
8 shall consult with emergency services and disaster agencies on
9 a regular basis and shall make field examinations of the areas,
10 circumstances, and conditions that particular political
11 subdivision emergency operations plans are intended to apply.

12 (e) The Illinois Emergency Management Agency and political
13 subdivisions shall be encouraged to form an emergency
14 management advisory committee composed of private and public
15 personnel representing the emergency management phases of
16 mitigation, preparedness, response, and recovery. The Local
17 Emergency Planning Committee, as created under the Illinois
18 Emergency Planning and Community Right to Know Act, shall serve
19 as an advisory committee to the emergency services and disaster
20 agency or agencies serving within the boundaries of that Local
21 Emergency Planning Committee planning district for:

22 (1) the development of emergency operations plan
23 provisions for hazardous chemical emergencies; and

24 (2) the assessment of emergency response capabilities
25 related to hazardous chemical emergencies.

26 (f) The Illinois Emergency Management Agency shall:

1 (1) Coordinate the overall emergency management
2 program of the State.

3 (2) Cooperate with local governments, the federal
4 government and any public or private agency or entity in
5 achieving any purpose of this Act and in implementing
6 emergency management programs for mitigation,
7 preparedness, response, and recovery.

8 (2.5) Develop a comprehensive emergency preparedness
9 and response plan for any nuclear accident in accordance
10 with Section 65 of the Department of Nuclear Safety Law of
11 2004 (20 ILCS 3310) and in development of the Illinois
12 Nuclear Safety Preparedness program in accordance with
13 Section 8 of the Illinois Nuclear Safety Preparedness Act.

14 (2.6) Coordinate with the Department of Public Health
15 with respect to planning for and responding to public
16 health emergencies.

17 (3) Prepare, for issuance by the Governor, executive
18 orders, proclamations, and regulations as necessary or
19 appropriate in coping with disasters.

20 (4) Promulgate rules and requirements for political
21 subdivision emergency operations plans that are not
22 inconsistent with and are at least as stringent as
23 applicable federal laws and regulations.

24 (5) Review and approve, in accordance with Illinois
25 Emergency Management Agency rules, emergency operations
26 plans for those political subdivisions required to have an

1 emergency services and disaster agency pursuant to this
2 Act.

3 (5.5) Promulgate rules and requirements for the
4 political subdivision emergency management exercises,
5 including, but not limited to, exercises of the emergency
6 operations plans.

7 (5.10) Review, evaluate, and approve, in accordance
8 with Illinois Emergency Management Agency rules, political
9 subdivision emergency management exercises for those
10 political subdivisions required to have an emergency
11 services and disaster agency pursuant to this Act.

12 (6) Determine requirements of the State and its
13 political subdivisions for food, clothing, and other
14 necessities in event of a disaster.

15 (7) Establish a register of persons with types of
16 emergency management training and skills in mitigation,
17 preparedness, response, and recovery.

18 (8) Establish a register of government and private
19 response resources available for use in a disaster.

20 (9) Expand the Earthquake Awareness Program and its
21 efforts to distribute earthquake preparedness materials to
22 schools, political subdivisions, community groups, civic
23 organizations, and the media. Emphasis will be placed on
24 those areas of the State most at risk from an earthquake.
25 Maintain the list of all school districts, hospitals,
26 airports, power plants, including nuclear power plants,

1 lakes, dams, emergency response facilities of all types,
2 and all other major public or private structures which are
3 at the greatest risk of damage from earthquakes under
4 circumstances where the damage would cause subsequent harm
5 to the surrounding communities and residents.

6 (10) Disseminate all information, completely and
7 without delay, on water levels for rivers and streams and
8 any other data pertaining to potential flooding supplied by
9 the Division of Water Resources within the Department of
10 Natural Resources to all political subdivisions to the
11 maximum extent possible.

12 (11) Develop agreements, if feasible, with medical
13 supply and equipment firms to supply resources as are
14 necessary to respond to an earthquake or any other disaster
15 as defined in this Act. These resources will be made
16 available upon notifying the vendor of the disaster.
17 Payment for the resources will be in accordance with
18 Section 7 of this Act. The Illinois Department of Public
19 Health shall determine which resources will be required and
20 requested.

21 (11.5) In coordination with the Department of State
22 Police, develop and implement a community outreach program
23 to promote awareness among the State's parents and children
24 of child abduction prevention and response.

25 (12) Out of funds appropriated for these purposes,
26 award capital and non-capital grants to Illinois hospitals

1 or health care facilities located outside of a city with a
2 population in excess of 1,000,000 to be used for purposes
3 that include, but are not limited to, preparing to respond
4 to mass casualties and disasters, maintaining and
5 improving patient safety and quality of care, and
6 protecting the confidentiality of patient information. No
7 single grant for a capital expenditure shall exceed
8 \$300,000. No single grant for a non-capital expenditure
9 shall exceed \$100,000. In awarding such grants, preference
10 shall be given to hospitals that serve a significant number
11 of Medicaid recipients, but do not qualify for
12 disproportionate share hospital adjustment payments under
13 the Illinois Public Aid Code. To receive such a grant, a
14 hospital or health care facility must provide funding of at
15 least 50% of the cost of the project for which the grant is
16 being requested. In awarding such grants the Illinois
17 Emergency Management Agency shall consider the
18 recommendations of the Illinois Hospital Association.

19 (13) Do all other things necessary, incidental or
20 appropriate for the implementation of this Act.

21 (g) The Illinois Emergency Management Agency is authorized
22 to make grants to various higher education institutions for
23 safety and security improvements. For the purpose of this
24 subsection (g), "higher education institution" means a public
25 university, a public community college, or an independent,
26 not-for-profit or for-profit higher education institution

1 located in this State. Grants made under this subsection (g)
2 shall be paid out of moneys appropriated for that purpose from
3 the Build Illinois Bond Fund. The Illinois Emergency Management
4 Agency shall adopt rules to implement this subsection (g).
5 These rules may specify: (i) the manner of applying for grants;
6 (ii) project eligibility requirements; (iii) restrictions on
7 the use of grant moneys; (iv) the manner in which the various
8 higher education institutions must account for the use of grant
9 moneys; and (v) any other provision that the Illinois Emergency
10 Management Agency determines to be necessary or useful for the
11 administration of this subsection (g).

12 (h) Except as provided in Section 17.5 of this Act, any
13 moneys received by the Agency from donations or sponsorships
14 shall be deposited in the Emergency Planning and Training Fund
15 and used by the Agency, subject to appropriation, to effectuate
16 planning and training activities.

17 (Source: P.A. 96-800, eff. 10-30-09; 96-820, eff. 11-18-09;
18 96-1000, eff. 7-2-10.)"; and

19 on page 21, immediately below line 3, by inserting the
20 following:

21 "Section 40. The Illinois Emergency Planning and Community
22 Right to Know Act is amended by changing Section 18 as follows:

23 (430 ILCS 100/18) (from Ch. 111 1/2, par. 7718)

1 Sec. 18. Penalties.

2 (a) Any person who violates any requirement of Section 9,
3 10, 11, 12, or 14 of this Act shall be liable for a civil
4 penalty in an amount not to exceed \$25,000 for each violation.
5 In the case of a second or subsequent violation of Section 10,
6 the civil penalty shall not exceed \$75,000 for each day during
7 which the violation continues.

8 (b) Any person who knowingly fails to provide immediate
9 notification of a release in violation of Section 10 of this
10 Act, shall be guilty of a Class 4 felony, and in addition to
11 any other penalty prescribed by law is subject to a fine not to
12 exceed \$25,000 for each day of the violation. In the case of a
13 second or subsequent conviction, the person shall be guilty of
14 a Class 3 felony, and in addition to any other penalty
15 prescribed by law is subject to a fine not to exceed \$50,000
16 for each day of the violation.

17 (c) All civil penalties and fines collected under this
18 Section shall be deposited in the Emergency Planning and
19 Training Fund, which ~~that~~ is hereby created as a special fund
20 in the State Treasury, and may ~~shall~~ be used by IEMA, pursuant
21 to appropriation, for its activities arising under this Act and
22 the Federal Act, including providing financial support for
23 local emergency planning committees and for training
24 initiatives authorized by IEMA.

25 (Source: P.A. 86-449; 87-168.)".